

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MAMADOU SACCOH,

Petitioner

—VS—

THOMAS DECKER, USICE, and
DEPT. OF HOMELAND SECURITY,

Respondents

NO. 3:CV-05-1918

(Judge Kosik)

MEMORANDUM

Before the court is a Report and Recommendation of Magistrate Judge J. Andrew Smyser filed on February 3, 2006. For the reasons which follow, we will adopt the recommendation of the Magistrate Judge and will dismiss the petition for writ of habeas corpus.

Background

Petitioner, Mamadou Saccob, an alien in custody of the United States Bureau of Immigration and Customs Enforcement (BICE), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on September 22, 2005. Petitioner is challenging his detention pending removal from the United States. The matter was assigned to Magistrate Judge Smyser who issued a Report and Recommendation on February 3, 2006. In his Report and Recommendation, the Magistrate Judge outlined the petitioner's pursuit through the BICE proceedings and the petitioner's request for release by this court arguing that his continued detention was unlawful. See, *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Magistrate Judge scheduled a

hearing on petitioner's request. Prior to the time set for the hearing, the respondents filed a motion to dismiss the petition as moot asserting that the petitioner was released from custody. Petitioner was given an opportunity to respond to the motion to dismiss the petition as moot and failed to respond. In particular, the Order of Court advising the petitioner of the pending request to dismiss the petition was returned to the court as undeliverable. In addition, the instant Report and Recommendation of the Magistrate Judge was also returned to the court with a notation that petitioner left no forwarding address.

It is apparent from the record that petitioner has been released from custody. Accordingly, we agree with the Magistrate Judge that the instant petition challenging petitioner's detention is moot. The above-captioned petition for writ of habeas corpus will be dismissed as moot and the case will be closed.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MAMADOU SACCOH,

Petitioner

-vs-

THOMAS DECKER, USICE, and
DEPT. OF HOMELAND SECURITY,

Respondents

:
:
:
:
NO. 3:CV-05-1918
:
(Judge Kosik)
:
:
:
:
: